

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IRMA ALLEN and BARTLEY MICHAEL
MULLEN, JR., individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

OLLIE'S BARGAIN OUTLET, INC.,
Defendant.

Case No.: 2:19-cv-00281-WSS

ELECTRONICALLY FILED

**UNOPPOSED MOTION TO STAY PROCEEDINGS
PENDING INTERLOCUTORY APPEAL**

Defendant Ollie's Bargain Outlet, Inc. ("Ollie's"), by and through their undersigned counsel, files this Unopposed Motion to Stay Proceedings Pending Interlocutory Appeal and, in support, state as follows:

1. On May 4, 2020, Plaintiffs Allen and Mullen filed a Motion for Class Certification (ECF No. 47), asking for certification of a nationwide class, and the matter was fully briefed and argued.
2. On March 26, 2021, the Court issued an order granting Plaintiffs' Motion for Class Certification. (ECF No. 93.)
3. On April 9, 2021, Ollie's filed a Petition for Permission to Appeal ("Petition") with the United States Court of Appeals for the Third Circuit ("Third Circuit") pursuant to Rule 23(f) of the Federal Rules of Civil Procedure and Rule 5(a) of the Federal Rules of Appellate Procedure.
4. On May 21, 2021, the Third Circuit issued an order granting Ollie's Petition (ECF Nos. 100-101), permitting an appeal from this Court's March 26, 2021 ruling. (ECF No. 93.) The Parties are currently awaiting a briefing schedule on that appeal.

5. The outcome of the appeal may materially influence the way in which this matter should be litigated.

6. Accordingly, Defendant respectfully requests that this Honorable Court stay these proceedings, including all pending deadlines, until the interlocutory appeal is resolved at the Third Circuit.

7. This Motion is being filed in good faith, and not for the purpose of delay, and granting it will not prejudice any party.

8. Counsel for Plaintiffs advised that they do not oppose this motion and “will agree to the stay.”

WHEREFORE, for the reasons set forth above, Defendant respectfully requests that this Court grant this Unopposed Motion to Stay Proceedings Pending Interlocutory Appeal as set forth above and in the Order.

Dated: June 7, 2021

Respectfully submitted,

**OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.**

/s/ Richard L. Etter

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